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Message Text

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PAGE 01 HELSIN 02642 01 OF 02 161434Z
ACTION SNM-05

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DEAE-00 /036 W
----------107234 161502Z /47
R 161333Z AUG 78
FM AMEMBASSY HELSINKI
TO SECSTATE WASHDC 3083
INFO AMEMBASSY COPENHAGEN
USMISSION GENEVA
AMEMBASSY OSLO
AMEMBASSY STOCKHOLM

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COPENHAGEN FOR SAIC FORTIER

E.O. 11652/ N/A
TAGS: SNAR, FI
SUBJECT: NARCOTICS LAWS

REF: STATE 170187,

1. BEGIN UNCLASSIFIED. THE FINNISH AUTHORITIES ARE SEVERE IN CASES INVOLVING NARCOTICS OFFENSES, REGARDLESS OF AMOUNTS, POTENCY, POSSESSION, USE OR SALE. TO ILLUSTRATE THE POSITION OF THE AUTHORITIES ON DRUG OFFENSE, A CASE INVOLVING TWO AMERICANS IS CITED. THE FINNISH POLICE ARRESTED TWO YOUNG AMERICANS ON CHARGES OF USING DRUGS. THEY WERE CHARGED AND CONVICTED FOR HAVING SMOKED ONE MARIJUANA CIGARETTE EACH. A NOMINAL FINE WAS IMPOSED, AND THEY WERE EXPELLED FROM FINLAND WITH PROHIBITED RE-ENTRY INTO SCANDINAVIA FOR A PERIOD OF THREE YEARS FROM THE DATE OF EXPULSION. MOREOVER, THE LEGAL PROCESS INVOLVED DETENTION FOR APPROXIMATELY 30 DAYS, VIZ., FROM THE TIME OF ARREST TO EXPULSION. THE CURRENT DRUG
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PAGE 02 HELSIN 02642 01 OF 02 161434Z

SITUATION IN FINLAND IS NOT SERIOUS. THE FINNISH AUTHORITIES ARE DETERMINED THAT IT WILL REMAIN A MINOR PROBLEM AND WILL NOT ALLOW THE DEVELOPMENT OF A SUBCULTURE THAT FAVORS OR APPLAUDS DRUG USE. THE FOLLOWING REPORT ON FINLAND'S NARCOTICS LAW WAS COMPILED WITH THE ASSISTANCE OF THE CENTRAL CRIMINAL POLICE'S NARCOTICS UNIT. THE ITEMS COVERED CORRESPOND

Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

TO THE SEQUENCE OF QUESTIONS IN REFTEL.

2. POSSESSION:
A. THERE IS NO DIFFERENTIATION MADE IN THE LAW FOR POSSESSION OF VARIOUS NARCOTICS. IN PRACTICE, HOWEVER, PENALTIES ARE ASSESSED WITH A VIEW AS TO THE TYPE OF NARCOTIC FOUND IN POSSESSION.
B. THERE IS NO CLEAR-CUT QUALIFYING AMOUNT SPECIFIED IN THE LAW FOR OPERATION OF THE OFFENSE. PENALTIES DO VARY WITH THE QUANTITY INVOLVED, AS ESTABLISHED BY JUDICAIL PRACTICE.
C. PENALTIES FOR POSSESSION ARE USUALLY LESS SEVERE THAN FOR OTHER NARCOTICS OFFENSES, BUT THIS IS A RESULT OF PRACTICE, NOT LAW. THE JUDICIAL AGENCY INVOLVED (IN FINLAND, THE COURT OF THE FIRST INSTANCE IS THE RASTUVANOIKEUR) CAN LEVY PENALTIES RANGING FROM FINES, TO TEN YEARS IN PRISON, FOR NARCOTICS OFFENSES. PROBATION AND FINES ARE MORE COMMON FOR SIMPLE POSSESSION. TRAFFICKING RESULT IN PRISON TERMS.

3. TRAFFICKING:
A. ALL SUBSTANCES ARE TREATED THE SAME.
B. THERE ARE TWO SETS OF PENALTIES FOR TRAFFICKING. THE LOWER SET'S LIMIT IS TWO YEARS IN PRISON, THE OTHER SET MANDATES A MAXIMUM OF TEN YEARS. THE TEST
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OF SEVERITY WHICH DETERMINES WHICH SET APPLIES RESTS ON THE EXTENT AND PROFESSIONALISM OF THE OFFENSE. PAROLE CAN BE GRANTED AFTER HALF OF THE SENTENCE HAS BEEN SERVED. THERE ARE NO PROVISION FOR BAIL IN FINLAND.
C. THE ELEMENTS THAT CONSTITUTE TRAFFICKING ARE MINIMAL. THE LAW INDICATES THAT BEING INVOLVED IN ANY PHASE OF THE PROCESS FROM MANUFACTURING TO CONSUMPTION, WITH ANY QUANTITY, IS A PROSECUTABLE OFFENSE.
C. AS A RULE, CONSPIRACY IS DIFFICULT TO PROVE IN FINLAND, AND THE POLICE TEND TO AVOID TRYING TO PROSECUTE FOR IT.

4. CULTIVATION, PRODUCTION, ELABORATION:
A. TECHNICALLY SPEAKING IT IS NOT AGAINST FINNISH LAW TO CULTIVATE CANABIS, COCA OR OPIUM, PROVIDING THE POLICE CANNOT PROVE INTENT TO USE AS A NARCOTIC.
B. THE "INTENT TO USE" PROVISION OF LAW PROHIBITS ANY PRODUCTION, SALE OR DISTRIBUTION.
C. IT IS SPECIFICALLY AGAINST THE LAW TO PRODUCE NARCOTICS IN FINLAND.

Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

5. FINANCIAL:
A. IT IS ILLEGAL TO FINANCE ANY ASPECT OF NARCOTICS, AS SET OUT IN THE BASIC STATUTES.
B. THE BANK OF FINLAND CONTROLS ALL EXPORTS OF FINNMARKS IN SUMS OVER FMK 3,000. PURCHASE OF CONVERTIBLE CURRENCIES MUST BE FOR TRAVEL OR LEGITIMATE COMMERCIAL TRANSACTIONS. FINNS ARE ALSO PROHIBITED FROM HOLDING FOREIGN BANK ACCOUNTS, EXCEPT WHEN CONDUCTING AN IMPORT/EXPORT BUSINESS OR LIVING ABROAD.

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PAGE 01 HELSIN 02642 02 OF 02 161438Z
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LIMITED OFFICIAL USE SECTION 2 OF 2 HELSINKI 2642

COPENHAGEN FOR SAIC FORTIER

6. CRIMINAL PROCEDURE:
A. THE LAW ALLOWS UP TO 17 DAYS OF INVESTIGATIVE DETENTION PRIOR TO TURNING A PRISONER OVER TO THE COURTS FOR PROSECUTION. THE COURT THEN HAS EITHT DAYS TO BRING THE ACCUSED TO TRIAL, A PERIOD WHICH CAN BE EXTENDED UPON REQUEST BY EITHER THE PROSECUTION OR DEFENDANT IN ORDER TO PREPARE A CASE. THE CONSULAR OFFICER IS NORMALLY NOTIFIED IMMEDIATELY OF THE ARREST OF AN AMERICAN AND ACCESS IS GRANTED FREELY.
B. PRE-TRIAL DETENTION RUNS ONE TO THREE WEEKS.
C. THE TRIAL IS USUALLY CONCLUDED WITHIN A DAY OR TWO. THE DEFENDANT THEN HAS SEVEN DAYS TO APPEAL TO THE COURT OF APPEALS (HOVIOIKEUS), WHICH

Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014

HAS 30 DAYS TO CONSIDER THE APPEAL.
D. LEGAL COUNSEL IS AVAILABLE AT NO COST TO THE
DEFENDANT.
E. THERE IS A PROVISION FOR PAROLE AFTER HALF OF
THE SENTENCE HAS BEEN SERVED. FOR FINNS, THE
PAROLEE MUST CHECK IN MONTHLY UNTIL HIS SENTENCE
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PAGE 02 HELSIN 02642 02 OF 02 161438Z

IS OVER. FOREIGNERS ARE USUALLY EXPELLED FROM THE
COUNTRY IMMEDIATELY UPON PAROLE.
F. THE POLICE HAVE THE DISCRETION TO ADMINISTRATIVELY
EXPEL FOREIGNERS SUSPECTED OF MINOR OFFENSES. THE
EMBASSY HAS NOTED THAT IN MINOR CRIMINAL CASES,
AMERICANS ARE EXPELLED FROM FINLAND, AND ALL OF
SCANDINAVIA, WITHIN ONE OR TWO WEEKS OR
ARREST. THE EXPULSION PROHIBITS RETURN TO SCANDINAVIA
FOR THREE TO FIVE YEARS. END UNCLASSIFIED.

7. BEGIN LIMITED OFFICIAL USE. EMBASSY COMMENT:
THE FINNISH NARCOTICS POLICE IS COMPOSED OF A
NATIONAL NARCOTICS UNIT OF EIGHT MEN. THERE
ARE A NUMBER OF MUNICIPAL UNITS, THE LARGEST OF
WHICH IS IN HELSINKI, WITH 40 MEN. THE SENIOR
PERSONNEL OF THE NATIONAL UNIT HAVE THE MOST TO
SAY ABOUT BRINGING CHARGES AGAINST SUSPECTED OFFENDERS.
THE EMBASSY HAS BEEN TOLD BY A SENIOR OFFICIAL
THAT IN MINOR CASES, IT IS NOT IN FINLAND'S
INTEREST TO TRY A FOREIGNER DUE TO THE POLICE'S
LIMITED RESOURCES. TO OUR KNOWLEDGE, THERE ARE
NO AMERICANS CURRENTLY IN JAIL IN FINLAND FOR
NARCOTICS OFFENSES. END LIMITED OFFICIAL USE

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EO Systematic Review
20 Mar 2014
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